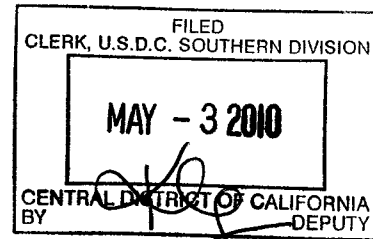


Eli Toney DelRay CO # 000155-2
Coalinga State Hospital
24511 West Jayne Avenue
P.O. Box 5003 Unit 12
Coalinga, Calif. 93210-5000

In Propria Persona



**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

ELI TONEY DELRAY,

Petitioner,

v.

WARDEN,

Respondent.

No. CV 10-1845-VBF (RNB)

**OBJECTION TO APPEARANCE BY
LOS ANGELES COUNTY DISTRICT
ATTORNEY'S OFFICE DUE TO
CONFLICT OF INTEREST**

On March 18, 2010, this Court, issued to the Attorney General of California, an Order Requiring Response To Petition for Writ of Habeas Corpus.

On April 14, 2010, Tracey W. Lopez, Deputy District Attorney for the Appellate Division of the Los Angeles District Attorney's Office, after a claimed communication with the Attorney General, and without citing authority, (see Declaration attached to Motion for Enlargement of Time) filed a notice of appearance for Respondent.

Also on April 14, 2010, Tracey W. Lopez, Deputy District Attorney, filed a motion for an enlargement of time in which to file a motion to dismiss the pending Petition for Writ of Habeas Corpus, which was granted.

Petitioner, Eli Toney DelRay, hereby formally objects to this appearance.

Petitioners objection stems from the fact that his petition presents claims of *fundamental jurisdictional errors* that were committed by multiple California State Agencies, which were empowered by the legislature to implement W&I Code §6600 et seq., (California's Sexually

1 Violent Predator Act) and that petitioners claim of intentional prosecutorial malfeasance by Los
2 Angeles County Deputy District Attorney, Rick Vagnozzi, presents a conflict of interest. (See
3 Writ Petition, Arguments IV and V).

4 Accordingly, California Constitution Article 5, § 13, states in pertinent part that, "It shall
5 be the duty of the Attorney General to see that the laws of the State are uniformly and adequately
6 enforced. *The Attorney General shall have direct supervision over every district attorney and*
7 *sheriff and over such other law enforcement officers as may be designated by law, in all*
8 *matters pertaining to the duties of their respective offices...*", and therefore petitioner seeks
9 intervention by this Court because petitioner believes that the Los Angeles District Attorneys
10 Office is not the appropriate representative to address claims that involve multiple state
11 agencies, or the Due Process errors that occurred prior to the June 18, 1996, filing of the petition
12 for commitment, which was done under usurped authority.

13 Therefore, for the reasons given above, petitioner requests clarification on whether or not
14 the Los Angeles County District Attorney's Office is the proper respondent for matters
15 pertaining to Due Process claims against multiple state agencies, instead of the Attorney
16 General's Office. (See 28 U.S.C. 2252 and 28 U.S.C. 2254, Rule 4.)

17
18 Respectfully submitted this 26 day of April, 2010, at Coalinga State Hospital, Coalinga,
19 California.

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23 Eli Toney DelRay CSH # 000155-2
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DECLARATION OF SERVICE BY MAIL

The undersigned declares under penalty of perjury that the foregoing is true and correct:

I, George L. Whaley, CSH #000590-0, currently residing at Coalinga State Hospital, 24511 West Jayne Avenue, Coalinga, California, 93211-5003, state that I am over eighteen years of age, and not a party to the within cause entitled, Eli Toney DelRay v. Warden, Case # CV-10-1845 VBF (RNB).

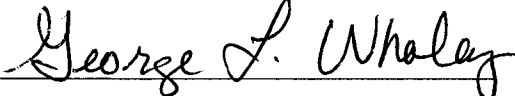
On the date of execution hereof, I served the attached **OBJECTION TO APPEARANCE BY LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE DUE TO CONFLICT OF INTEREST** upon each addressee by giving a true copy thereof, enclosed in a sealed envelope with postage thereon fully prepaid, to the copy room personnel at the Coalinga State Hospital, Coalinga, California, in the County of Fresno, for deposit in the United States mail, addressed as follows:

Tracey W. Lopez,
Deputy District Attorney
Los Angeles District Attorney's Office
320 West Temple St., Suite 540
Los Angeles, Calif. 90012-3213

Pamela C. Hamanaka,
Senior Assistant Attorney General
Office of the Attorney General
300 South Spring Street
Los Angeles, Calif. 90013

ATTN: Clerk Of Court
United States District Court
Central District of California
Western Division
U.S. Courthouse
411 West Fourth St., Suite 1053
Santa Ana, CA. 92701-4516

Executed this 26 day of April, 2010, at Coalinga State Hospital, Coalinga, California, in the County of Fresno.



George L. Whaley, CSH #000590-0